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**Permanent Forum on Indigenous Issues**
**Seventeenth session**
New York, 16–27 April 2018
Agenda item 14
**Adoption of the report of the Permanent Forum on its seventeenth session**

# Draft report

*Rapporteur*: Mr. Brian **Keane**

## Chapter I
## Matters calling for action by the Economic and Social Council or brought to its attention

### A. Draft decisions recommended by the Forum for adoption by the Council

1. The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

[*To be completed*]

### B. Matters brought to the attention of the Council

2. The Permanent Forum has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

3. It is the understanding of the secretariat of the Permanent Forum that the proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations will be implemented to the extent possible within the context of the approved programme of work of the relevant entities.

**Recommendations of the Permanent Forum**

[*To be completed*]

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# Chapter II
# Venue, dates and proceedings of the session

4. By its decision 2017/248, the Economic and Social Council decided that the seventeenth session of the Permanent Forum would be held at United Nations Headquarters from 16 to 27 April 2018.

5. At its 2nd meeting, on 16 April, the Permanent Forum considered agenda item 3, entitled "Follow-up to the recommendations of the Permanent Forum". For its consideration of the item, the Forum had before it two notes by the Secretariat entitled "Compilation of information received from United Nations system entities and other intergovernmental bodies on progress in the implementation of the recommendations of the Permanent Forum" (E/C.19/2018/3) and "Compilation of information received from indigenous peoples' organizations" (E/C.19/2018/4). At its [ ] meeting, on [ ] April, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

6. At its 2nd meeting, on 16 April, and its 7th and 8th meetings, on 19 April, the Forum considered agenda item 4, entitled "Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples". For its consideration of the item, the Forum had before it two notes by the Secretariat entitled "Compilation of information from national human rights institutions" (E/C.19/2018/6) and "Action plan for organizing the 2019 International Year of Indigenous Languages" (E/C.19/2018/8). At its [ ] meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

7. At its 10th meeting, on 20 April, the Forum considered agenda item 5, entitled "Dialogue with indigenous peoples". At its [ ] meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

8. At its 12th meeting, on 23 April, the Forum considered item 6, entitled "Dialogue with Member States". At its [ ] meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

9. At its 11th meeting, on 23 April, the Forum considered agenda item 7, entitled "Dialogue with the agencies, fund and programmes of the United Nations system". At its [ ] meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

10. At its 3rd, 4th and 8th meetings, on 17 and 19 April, the Forum considered agenda item 8, entitled "Discussion on the theme 'Indigenous peoples' collective rights to lands, territories and resources'". For its consideration of the item, the Forum had before it two notes by the Secretariat entitled "Indigenous peoples' collective rights to lands, territories and resources" (E/C.19/2018/5), and "International expert group meeting on the theme 'Sustainable development in the territories of indigenous peoples'" (E/C.19/2018/7). At its [ ] meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sects. A and B).

11. At its 4th meeting, on 17 April, the Forum considered agenda item 9, entitled "2030 Agenda for Sustainable Development". For its consideration of the item, the Forum had before it a note by the Secretariat entitled "Update on indigenous peoples and the 2030 Agenda for Sustainable Development" (E/C.19/2018/2). At its [ ] meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

12. At its 5th and 6th meetings, on 18 April, the Forum considered agenda item 10, entitled "Dialogue with the Special Rapporteur on the rights of indigenous peoples

and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples". At its [ ] meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

13. At its 9th meeting, on 20 April, the Forum considered agenda item 11, entitled "Follow-up to the outcome document of the World Conference on Indigenous Peoples". At its [ ] meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

14. At its 8th meeting, on 19 April, the Forum considered agenda item 12, entitled "Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues". For its consideration of the item, the Forum had before it a note by the Secretariat entitled "Study to examine conservation and indigenous peoples' human rights" (E/C.19/2018/9). At its [ ] meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

15. At its [ ] meeting, the Forum considered agenda item 13, entitled "Provisional agenda for the eighteenth session". At the same meeting, the Forum considered and adopted a draft decision submitted under that item (see chap. I, sect. A).

# Chapter III
# Adoption of the report of the Forum on its seventeenth session

16. At the [ ] meeting, the Rapporteur introduced the draft decisions and recommendations and the draft report of the Permanent Forum on its seventeenth session.

17. At the same meeting, the Permanent Forum adopted its draft report.

# Chapter IV
# Organization of the session

## A. Opening and duration of the session

18. The Permanent Forum held its seventeenth session at United Nations Headquarters from 16 to 27 April 2018. It held 15 formal meetings, including 5 closed meetings, to consider the items on its agenda.

19. At the 1st meeting, on 16 April, the session was opened by the Assistant Secretary-General for Economic Development. At the opening ceremony, a representative of the Onondaga Nation, Tadodaho Sid Hill, delivered a welcoming address. The President of the General Assembly and the Vice-President of the Economic and Social Council (Saint Vincent and the Grenadines) delivered statements.

20. At the same meeting, the President of the Plurinational State of Bolivia, Evo Morales Ayma, addressed the Forum. Statements were also made by the Chair of the Forum and the Assistant Secretary-General for Economic Development.

## B. Attendance

21. Members of the Forum and representatives of Governments, intergovernmental organizations and bodies, United Nations entities and non-governmental and

indigenous organizations attended the session. The list of participants will be published at a later date.

## C. Election of officers

22. At its 1st meeting, the Forum elected the following members of the Bureau by acclamation:

*Chair*:
Mariam Wallet Mohamed Aboubakrine

*Vice-Chairs*:
Anne Nuorgam
Zhang Xiaoan
Dmitrii Kharakka-Zaitsev
Tarcila Rivera Zea

*Rapporteur*:
Brian Keane

## D. Agenda

23. At its 1st meeting, the Forum adopted the provisional agenda contained in document E/C.19/2018/1.

## E. Documentation

24. The list of the documents before the Forum at its seventeenth session will be published at a later date.

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**Permanent Forum on Indigenous Issues**
**Seventeenth session**
New York, 16–27 April 2018

# Draft decisions recommended by the Permanent Forum on Indigenous Issues for adoption by the Economic and Social Council

The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

**Draft decision I**
**International expert group meeting on the theme "Conservation and the rights of indigenous peoples"**

The Economic and Social Council decides to authorize a three-day international expert group meeting on the theme "Conservation and the rights of indigenous peoples".

**Draft decision II**
**Venue and dates for the eighteenth session of the Permanent Forum on Indigenous Issues**

The Economic and Social Council decides that the eighteenth session of the Permanent Forum on Indigenous Issues shall be held at United Nations Headquarters from 22 April to 3 May 2019.

**Draft decision III**
**Report of the Permanent Forum on Indigenous Issues on its seventeenth session and provisional agenda for its eighteenth session**

The Economic and Social Council:

(a) Takes note of the report of the Permanent Forum on Indigenous Issues on its seventeenth session;

(b) Approves the provisional agenda for the eighteenth session of the Permanent Forum as set out below:

1. Election of officers.
2. Adoption of the agenda and organization of work.

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3. Follow-up to the recommendations of the Permanent Forum.

4. Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples.

5. Dialogue with indigenous peoples: collective rights to lands, territories and resources.

6. Dialogue with Member States.

7. Dialogue with agencies, funds and programmes of the United Nations system.

8. Discussion on the theme "Traditional knowledge: generation, transmission and protection".

9. 2030 Agenda for Sustainable Development.

10. Dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples.

11. Follow-up to the outcome document of the World Conference on Indigenous Peoples:

    (a) Implementation of national action plans, strategies and other measures;

    (b) Ways to enhance the participation of indigenous peoples at the United Nations;

    (c) Implementation of the United Nations system-wide action plan on indigenous peoples.

12. Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues.

13. Provisional agenda for the nineteenth session.

14. Adoption of the report of the Permanent Forum on its eighteenth session.

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**Permanent Forum on Indigenous Issues**
**Seventeenth session**
New York, 16–27 April 2018

# Draft report

*Rapporteur*: Mr. Brian **Keane**

## Chapter I
## Matters calling for action by the Economic and Social Council or brought to its attention

### B. Matters brought to the attention of the Council

**Recommendations of the Permanent Forum**

**Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples (item 4)**

*2019: International Year of Indigenous Languages*

1. The Permanent Forum welcomes with appreciation the work carried out by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the preparation of the action plan for the International Year of Indigenous Languages in 2019, in cooperation with the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues, indigenous peoples and Member States. The Permanent Forum calls upon Member States to make efforts to implement the action plan in partnership with indigenous peoples, respecting the principle of "nothing about us without us", including the establishment of national steering committees and national action plans for the International Year. States should furthermore allocate adequate funding for the successful implementation of the International Year.

2. The Permanent Forum recommends that indigenous peoples, as the rightful owners and custodians of their own languages, initiate and develop their own action plans for the International Year and awareness-raising campaigns to draw attention to the situation of indigenous languages.



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3. The Permanent Forum invites the General Assembly to request that UNESCO report on activities carried out during the International Year, and subsequent impacts and follow-up activities after 2019, at its seventy-fifth session.

4. Bearing in mind that Member States have recognized the importance of the preservation and revitalization of indigenous languages by proclaiming 2019 the International Year of Indigenous Languages, the Permanent Forum recommends that UNESCO, in active collaboration with other relevant United Nations entities, organize a conference or high-level event dedicated to indigenous languages, as a major event of the International Year. The Forum emphasizes that all events organized to mark the International Year must include the full and effective participation of indigenous peoples.

5. The Permanent Forum recommends that United Nations entities, including the Inter-Agency Support Group on Indigenous Peoples' Issues, take effective measures to support the promotion of indigenous languages and the successful implementation of the goals and objectives of the International Year, including activities related to the implementation of the 2030 Agenda for Sustainable Development, the system-wide action plan on the rights of indigenous peoples and other processes.

6. The Permanent Forum urges the Secretary-General to appoint a special envoy on indigenous languages, in consultation with indigenous peoples.

7. The Permanent Forum urges Member States to establish permanent financing structures for ensuring the protection of indigenous peoples' language initiatives, such as the Giellagáldu project in Finland, Norway and Sweden.

*Women, youth and children*

8. The Permanent Forum recommends that the Commission on the Status of Women organize a high-level interactive dialogue on the rights of indigenous women to coincide with the twenty-fifth anniversary of the Fourth World Conference on Women, in 2020, to review progress made towards the Sustainable Development Goals with a focus on linkages with the United Nations Declaration on the Rights of Indigenous Peoples. The Permanent Forum invites Member States, in cooperation with indigenous peoples' organizations and with the support of the United Nations system, to conduct preparatory processes, with the full and effective participation of indigenous women of all ages.

9. The Permanent Forum expresses considerable concern with the disparity between indigenous and national maternal mortality rates in many countries and encourages Member States to lower indigenous maternal mortality rates by incorporating an intercultural approach to sexual and reproductive health services and promoting the inclusion of indigenous health workers to guarantee access to culturally appropriate health services and medical staff. The Permanent Forum also encourages Member States to allocate appropriate budgets to identify and address sociocultural and other barriers and to monitor the impact of measures taken.

10. The Permanent Forum commends the Food and Agriculture Organization of the United Nations (FAO) for its work on indigenous women and youth and specifically congratulates FAO on the start of a global campaign on indigenous women and the establishment of a forum on indigenous youth.

11. The Permanent Forum recalls the outcome of the international expert group meeting, held from 18 to 20 January 2012, on "Combating violence against indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples". The Permanent Forum recommends that United Nations agencies, funds and programmes, in collaboration with indigenous peoples' organizations, monitor the high levels of global violence and threats directed at

indigenous women human rights defenders. The Permanent Forum calls for an immediate halt to the criminalization, incarceration, intimidation, coercion, and assassination of, and death threats to, all indigenous human and environmental rights defenders.

12. Permanent Forum recommends that Member States fully involve indigenous women in the design and conduct of national health surveys and ensure that such surveys are carried out in a culturally appropriate manner in the indigenous communities being surveyed.

13. The Permanent Forum acknowledges the advances towards the implementation of the health plan for indigenous youth in Latin America and invites the Pan American Health Organization/World Health Organization (PAHO/WHO) to continue working with indigenous youth and Member States towards the implementation of the plan and to report on progress achieved at its eighteenth session.

14. The Permanent Forum calls for the implementation on the Convention on the Rights of the Child, which gives clear guidance to the States on the need for them to minimize childhood exposure to toxic chemicals though water, food, air and other sources of exposure. It is critical that environmental regulators are educated specifically regarding article 24 of the Convention.

*Health*

15. The Permanent Forum welcomes the preliminary report of the United Nations Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, which was presented at the current session, in accordance with recommendation 46 of the Permanent Forum at its sixteenth session, and the Forum invites the Rapporteur to present his final report at the eighteenth session.

16. Existing conventions governing the use and disposal of toxic chemicals and wastes do not adequately protect the rights of the world's most vulnerable, including indigenous peoples, who disproportionately suffer from their indiscriminate and irresponsible use.

17. The Forum recommends that the International Conference on Chemicals Management establish an advisory committee of indigenous peoples in its intersessional process for considering the Strategic Approach to International Chemicals Management and the sound management of chemicals and waste beyond 2020.

18. The Forum recommends the creation of a global, legally binding regime for toxic industrial chemicals and hazardous pesticides, the vast majority of which are currently unregulated under existing Conventions, to protect the rights of everyone, including indigenous peoples, from the grave threats to human rights presented by the ongoing chemical intensification of the global economy. Such a regime should have strong accountability and compliance mechanisms and be in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child.

19. The Permanent Forum welcomes the adoption, in 2017, of the first Policy on Ethnicity and Health by the States members of the Pan American Health Organization and invites the World Health Organization to follow this initiative and expand on this work at the global level. The Permanent Forum also notes the initiative of PAHO/WHO to develop a strategy and plan of action on ethnicity and health for the Americas and invites PAHO/WHO to report on progress achieved at the eighteenth session of the Forum.

20. The Permanent Forum acknowledges the progress made towards the implementation of the health plan for indigenous youth in Latin America and invites PAHO/WHO to continue working with indigenous youth and Member States towards the implementation of the plan and to report on progress achieved at its eighteenth session.

21. The Permanent Forum takes note of the launch of the Virtual Health Library on Traditional, Complementary and Integrative Medicine for the Americas by PAHO/WHO. Bearing in mind the importance of traditional medicine and indigenous peoples, the Permanent Forum invites Member States, other inter-agency entities and indigenous peoples to contribute to this initiative, to enhance its sustainability, and invites PAHO/WHO to report on its progress at the eighteenth session of the Forum.

22. Traditional indigenous midwives' cultural and clinical knowledge and their contributions to the well-being and positive health outcomes of indigenous peoples are largely unacknowledged in national health systems. Indigenous midwives work tirelessly to improve maternal and infant health throughout a person's reproductive life cycle and, in particular, during pregnancy, birth and the post-partum period.

23. Despite this critical role, community-regulated indigenous midwifery is often undermined and actively criminalized, to the detriment of indigenous peoples' health. To close the gap between indigenous and non-indigenous health outcomes, the practice of indigenous midwifery must be supported by state health policy and integration. Indigenous peoples' right to self-determination extends to their reproductive health, and states should put an end to the criminalization of indigenous midwives and make the necessary legislative and regulatory amendments to legitimize indigenous midwives who are recognized by their communities as health-care providers. States should also support the education of new traditional indigenous midwives via multiple routes of education, including apprenticeships and the oral transmission of knowledge.

24. The Permanent Forum reiterates the recommendations made at third, fifth and ninth sessions on indigenous midwives, in which the Forum recommended that the World Health Organization (WHO), the United Nations Children's Fund and the United Nations Population Fund (UNFPA), as well as regional health organizations and Governments, fully incorporate a cultural perspective into health policies and programmes and reproductive health services aimed at providing indigenous women with quality health care, including emergency obstetric care, voluntary family planning and skilled attendance at birth. In the latter context, the roles of traditional midwives should be re-evaluated and expanded so that they may assist indigenous women during their reproductive health processes and act as cultural brokers between health systems and the indigenous communities' values and world views.

25. The Permanent Forum recommends that the World Health Organization End TB Strategy and the Global Partnership to Stop Tuberculosis, in collaboration with UNFPA and the Inter-Agency Support Group on Indigenous Peoples' Issues, sponsor an expert group meeting on tuberculosis by 2020 to analyse the sociocultural and economic determinants of health for tuberculosis prevention, care and treatment in indigenous communities, with the cooperation of the Forum, in order to ensure the realization of Goal 3, target 3, of the Sustainable Development Goals.

26. The Permanent Forum appreciates the steps taken by the Joint United Nations Programme on HIV/AIDS, UNFPA and the Inter-Agency Support Group on Indigenous Peoples' Issues for the organization of an international workshop on HIV/AIDS, as recommended in paragraph 46 of the report of the Permanent Forum on its sixteenth session, and calls on Member States and United Nations entities to contribute to the workshop.

27. The Permanent Forum is concerned that, across the globe, indigenous women and adolescents face persistent inequalities and stigma, especially in relation to maternal health and maternal mortality, yet the lack of data in this area renders them invisible and presents a major barrier to efforts to address the issue. According to UNPFPA, indigenous women are overwhelmingly less likely to have received health care services. Indigenous women are three times more likely to have had no antenatal care and twice as likely to give birth without a skilled birth attendant, and have a significantly higher adolescent birth rate. This is directly related to the poverty, discrimination and marginalization that indigenous women frequently face.

28. The Permanent Forum welcomes the study presented by UNFPA in collaboration with Chirapaq, entitled "Progress and challenges regarding the recommendations of the Permanent Forum on sexual and reproductive health and rights and gender-based violence". The study is aimed at achieving a better understanding of the achievements, limits, barriers and scope of the recommendations of the Permanent Forum, with the overall objective of generating actions to achieve progress in the exercise of indigenous women's sexual and reproductive health rights and protection from gender-based violence.

29. The study found that:

(a) Only 16 per cent of the recommendations made by the Permanent Forum at its 16 sessions explicitly focus on the situation of indigenous women, girls and gender equality. Only 3 per cent relate to sexual and reproductive health, and 6 per cent to gender-based violence;

(b) The Permanent Forum has issued 170 recommendations specifically aimed at improving the situation of indigenous women; however, only 10 have been reported as "completed";

(c) The key inhibiting factors for the Permanent Forum to take action include such issues as limited budgets and the low priority given to indigenous women's issues at the country level; lack of disaggregated data; and a lack of mechanisms and processes to follow up on recommendations.

*Social and economic development*

30. The Permanent Forum welcomes the Ibero-American Plan of Action for the Implementation of the Rights of Indigenous Peoples, adopted in April 2018 by indigenous peoples and States as members of the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean. We acknowledge the leadership of the Fund in this process and encourage similar efforts in other regions of the world. The Permanent Forum invites the Fund to provide information on the progress made by the Fund in the implementation of the Plan of Action at the nineteenth session of the Forum.

31. The Permanent Forum welcomes efforts made by FAO in applying the principle of free, prior and informed consent to all its field initiatives involving indigenous peoples and encourages other United Nations entities to do the same.

*Culture*

32. The Forum encourages UNESCO, States, the Expert Mechanism on the Rights of Indigenous Peoples and indigenous peoples to continue to engage in active dialogue aimed at achieving recognition of the rights of indigenous peoples to repatriation of their human remains and sacred items, in accordance with the outcome document of the World Council of Indigenous Peoples and articles 11 and 12 of the United Nations Declaration on the Rights of Indigenous Peoples, and the

establishment of a new United Nations mechanism for international repatriation, as called for in recommendations made by the Permanent Forum in 2015, 2016 and 2017.

*Environment*

33. At its seventeenth session, the Permanent Forum heard from many indigenous peoples who expressed their concern regarding States granting concessions for extractive industries, infrastructure projects, large-scale agriculture or hydroelectric dams without the free, prior and informed consent of indigenous peoples. This has led to inevitable social, economic and cultural conflicts between governments and indigenous peoples in countries such as Finland (in the case of the Arctic railway project), Bolivia, Brazil and Peru (in the case of the trans-Amazonian highway). The Forum reiterates that the Member States must act in compliance with international human rights standards, including through adequate consultations with affected indigenous peoples, respecting the right to their free, prior and informed consent at all stages while also ensuring mitigation measures, compensation and fair and equitable benefit-sharing.

34. The Permanent Forum reiterates its concern over environmental violence, in particular its pervasive impacts on indigenous women and girls. The Permanent Forum takes note with appreciation the recommendations from the third International Indigenous Women's Symposium on Environment and Reproductive Health, held at Columbia University on 14 and 15 April 2018. The Permanent Forum recommends that members of the Inter-Agency Support Group on Indigenous Peoples' Issues and the relevant special procedures of the Human Rights Council consider ways to address and incorporate the recommendations from that Symposium.

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**Permanent Forum on Indigenous Issues**
**Seventeenth session**
New York, 16–27 April 2018

## Draft report

*Rapporteur*: Mr. Brian **Keane**

## Chapter I
## Matters calling for action by the Economic and Social Council or brought to its attention

### B. Matters brought to the attention of the Council

**Recommendations of the Permanent Forum**

**Dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples (item 10)**

1. Human rights defenders are increasingly targeted as terrorists for promoting and protecting decades-old guaranteed rights. This alarming trend is seen in every region. Even the United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, a former expert member of the Permanent Forum, Joan Carling, and a former member of the Expert Mechanism on the Rights of Indigenous Peoples, Jose Molintas, have been declared terrorists in a petition by the Government of the Philippines pursuant to the Human Security Act of 2007. The Permanent Forum rejects this dangerous precedent and calls on the Government of the Philippines to remove their names, and the names of other indigenous leaders, from the petition and to ensure their safety as they continue promoting and protecting indigenous peoples' rights. Further, the Permanent Forum urges the Philippine Government to repeal the Human Security Act, comply with its international human rights obligations and pursue its commitments under the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law.

2. The Permanent Forum recommends that relevant special procedures of the Human Rights Council collaborate with each other and with other human rights bodies to address the situation of indigenous human rights defenders through monitoring, mediation, analysis and the provision of concrete recommendations for the effective protection of indigenous human rights defenders.



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3. The Permanent Forum requests the Office of the United Nations High Commissioner for Human Rights to expand and strengthen the United Nations response to reprisals and threats faced by indigenous human rights and environmental defenders by enhancing high-level engagement on reprisals, ensuring appropriate action on urgent cases when reprisals occur.

4. The Permanent Forum welcomes the participation, at its seventeenth session, of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and invites the Working Group to conduct a study on private militaries and security companies in extractive industries and agribusiness and their impact on the human and collective rights of indigenous peoples.

5. The Permanent Forum takes note with concern of the situation of indigenous peoples of the Sahel and other parts of Africa, where a number of factors, including climate change, are having a devastating impact on economic development and human security. The lack of recognition of the collective rights of these peoples has created fertile ground for their loss of territories and resources and the emergence of complex forms of conflict, including violent extremism. The Permanent Forum calls on the Working Group on Indigenous Populations of the African Commission on Human and Peoples' Rights to prepare, for the consideration of the African Union, recommendations to address this situation, in partnership with the Economic Commission for Africa and other regional bodies.

6. The Permanent Forum urges Member States to pay special attention to indigenous peoples residing in cross-border areas, in accordance with article 36 of the United Nations Declaration on the Rights of Indigenous Peoples, and invites academia, in consultation with the Permanent Forum, to convene a conference on indigenous peoples divided by international borders.

7. The Permanent Forum recommends that the Office of the United Nations High Commissioner on Human Rights, the Special Rapporteur on the rights of indigenous peoples and the United Nations Verification Mission in Colombia urgently organize an international fact-finding mission to the territories of indigenous peoples and Afro-descendant communities in the province of Esmeraldas and along the Ecuador-Colombia border, to ascertain the human rights situation in the area.

8. The Permanent Forum further recommends that, given the insecurity on the border of Ecuador and Colombia in the territories of indigenous peoples and Afro-descendant communities, the Governments of Colombia and Ecuador take immediate action to protect the civilian population.

9. The Permanent Forum reiterates its call to Member States to establish mechanisms and processes for comprehensive dialogue and consultations with indigenous peoples in order to obtain their free, prior and informed consent in relation to any project that will have an impact on their territories and resources. In this regard, the Permanent Forum expresses concern regarding the lack of consultation by the Government of Bolivia with the indigenous peoples who will be impacted by the mega-hydroelectric project of El Bala-Chepete and Rositas, including the Guarani, Moseten, Tacana, Tsimane, Leco, Esse Ejja and Uchupiamona peoples. The Permanent Forum urges the Government of Bolivia to respect the fundamental rights of indigenous peoples and ensure that they are able to exercise their rights in accordance with international human rights standards.

10. Recalling the recommendations made by the Special Rapporteur appointed to undertake a study on the status of implementation of the Chittagong Hill Tracts Accord of 1997 (see E/C.19/2011/6, sect. VIII), and given that the situation of the

indigenous peoples of the Chittagong Hill Tracts remains a matter of concern, the Permanent Forum encourages the Government of Bangladesh to:

(a) set a time frame for the full implementation of the Accord;

(b) adopt the rules of business of the Chittagong Hill Tracts Land Commission in consultation with the Chittagong Hill Tracts regional council, and allocate sufficient human and financial resources;

(c) devolve authority to the Chittagong Hill Tracts regional council and three district councils, including general administration, law and order, land and land management, police (local), forest, environment and local government institutions, consistent with the Accord.

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# Draft report

*Rapporteur*: Mr. Brian **Keane**

## Chapter I
## Matters calling for action by the Economic and Social Council or brought to its attention

### B. Matters brought to the attention of the Council

**Recommendations of the Permanent Forum**

**Discussion on the theme "Indigenous peoples' collective rights to lands, territories and resources" (item 8)**

1. The rights to lands, territories and resources are at the heart of indigenous peoples' struggles around the world. Indigenous peoples' relationships to their ancestral lands are the source of their cultural, spiritual and social identity, the foundation upon which their traditional knowledge systems have developed and the cornerstone of their physical and economic well-being.

2. The United Nations Declaration on the Rights of Indigenous Peoples recognizes the right of indigenous peoples to self-determination (arts. 3–4), their collective rights to own and control their lands and resources (arts. 25–27), their right to free, prior and informed consent in relation to legislation, measures and projects that may have an impact on their rights (arts. 10–11, 19, 28–29 and 32) and their right to participate in decision-making processes (arts. 5, 18 and 27). These rights are further enshrined in the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization and in expanding jurisprudence developed by human rights treaty bodies, the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights.

3. Positive developments have been achieved in setting international human rights standards for the rights of indigenous peoples to lands, territories and resources, including by regional human rights mechanisms in Africa and the Americas. The Permanent Forum welcomes those developments, including the recent decision of the African Court on Human and Peoples' Rights in the case of the Ogiek community in



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Kenya. The Forum encourages indigenous peoples and States to engage further with regional mechanisms and to implement their decisions effectively.

4. A number of States have recognized the collective rights of indigenous peoples to lands, territories and resources through constitutional or legal protection or through adjudication, constructive agreements with indigenous peoples and administrative programmes. Countries that have taken steps in that direction include Bolivia (Plurinational State of), Canada, the Congo, Denmark, Ecuador, Indonesia, New Zealand (Aotearoa), Norway and the Philippines. In other countries, including Australia, Colombia and the United States of America, tracts of land and/or territories have been set aside for collective indigenous control. The Permanent Forum welcomes that progress, while emphasizing that, even in those countries, there remains a wide gap between formal recognition and actual implementation of laws and policies that are supposed to ensure those rights.

5. Even in countries in which the rights are recognized, they are simply not being implemented, or procedures for the implementation of those rights, such as land or resource mapping, demarcation and titling, have often not been completed, suffer significant delays or are shelved. This has, for example, been observed in such countries as Cambodia, Kenya and the Philippines. The lack of enforcement of laws, as well as contradictory laws and regulations, frequently results in the de facto denial of the rights accorded to indigenous peoples. This is reported in many countries, including the Russian Federation, as observed by the World Bank. The Permanent Forum commends States for recognizing the collective rights of indigenous peoples to lands, territories and resources and at the same time urges them to take immediate steps for the implementation of those rights through necessary programmes for mapping, titling or other actions and necessary legislative reforms. The Forum urges States to report on the steps taken in that regard by its twentieth session, in 2021.

6. A majority of States have yet to grant official recognition to indigenous peoples, let alone their collective rights to lands, territories and resources, which might often run counter to the dominant models of privatization and development. The Permanent Forum expresses its grave concern about the non-recognition of indigenous peoples in those States, in particular in Africa and Asia, and recommends that States incorporate the Declaration into their national legislation and draft the policies and programmes necessary to implement the collective rights of indigenous peoples to lands, territories and resources effectively.

7. The Permanent Forum stresses that ensuring indigenous peoples' collective rights to lands, territories and resources is not only for their well-being, but also for addressing some of the most pressing global challenges, such as climate change and the destruction of nature. Studies increasingly show that advancing those rights is the most effective way to protect critical ecosystems, waterways and biological diversity.

8. The Permanent Forum emphasizes that achieving the Sustainable Development Goals is not possible without fulfilling indigenous peoples' rights to lands, territories and resources. The Forum thus calls upon States to include the recognition of customary rights or tenure of indigenous peoples to their lands and resources under target 2.3 of the Sustainable Development Goals, which calls for secure and equal access to land.

9. The Permanent Forum draws attention to the number of reports, from around the world, of acts of intimidation and reprisal, including restrictions on the ability of representatives of indigenous peoples to attend the Forum's sessions. Indigenous leaders and human rights defenders, including women defenders, face disproportionately high rates of intimidation and reprisal, as shown by various studies, including by the Special Rapporteur on the situation of human rights defenders.

10. Given that the United Nations relies on the cooperation of the people whom it serves and that the freedom to engage with the Organization is a basic exercise of fundamental freedoms and human rights for all, the Forum requests the Secretary-General, through the Assistant Secretary-General for Human Rights and in coordination with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights defenders and other relevant United Nations mechanisms, to collect information on such abuses through regular reporting from all parts of the United Nations system and input from indigenous peoples and to submit a report to the Forum at its eighteenth session, in 2019, including on measures taken and suggested to prevent such abuses.[1]

11. The Permanent Forum has paid particular attention to the World Bank's revision of its social safeguard system. The Forum continues to be concerned that the new environmental and social safeguard 7 allows the conversion of indigenous peoples' collective territories into individual ownership rights, even though it recognizes the importance of protecting indigenous peoples' collective attachment to their lands. Providing funding for States to divide indigenous peoples' lands generates conflict, irreparably harms livelihoods and traditional resource management strategies and erodes indigenous peoples' own governance structures. The Forum urges the Bank to take urgent action to remedy this situation. Paragraph 29 of environmental and social safeguard 7 should be revised to ensure that indigenous peoples maintain their collective rights to lands, territories and resources in all projects funded by the Bank.

12. The Forum requests the Inter-Agency and Expert Group on Sustainable Development Goal Indicators to make the land-related indicator operational and to report on it, including on changing land use and the security of land tenure in the traditional territories of indigenous peoples.

13. The Permanent Forum urges all funds, agencies and programmes of the United Nations system to incorporate the recognition of indigenous peoples' collective rights to lands, territories and resources into their policies and programmes at the country level and to report to the Forum on progress made at its eighteenth session.

14. The Permanent Forum expresses its concern for the indigenous peoples of Central Africa, who continue to be victims of violations of their rights to lands, territories and resources. Multiple threats and obstacles hinder their social, economic, political and legal development, including discrimination and marginalization; lack of rights to land and natural and productive resources; denial and lack of access to justice; violations of cultural rights; denial of the rights to legal recognition, political representation and participation; lack of access to basic social services; denial of the right to existence and self-development; violence against indigenous individuals and communities, including rape of indigenous women; and multiple-impact land conflicts arising from development and conservation projects that fail to take into account the rights and interests of indigenous peoples.

15. Recalling articles 3–4, 8, 18, 25–26 and 32 of the Declaration, the Permanent Forum urges Central African States to promote, recognize and protect the collective rights of indigenous peoples to their lands, territories and resources through the development of mechanisms to ensure the legal recognition of land and resource rights, the resolution of land disputes, fair and equitable redress, and the creation of permanent dialogue frameworks to facilitate political participation and representation of indigenous peoples in decision-making.

[1] See www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx.

16. The Permanent Forum urges States to provide information on developments relating to the collective rights of indigenous peoples and constructive agreements with indigenous peoples at its eighteenth session, including the following:

(a) Effective measures taken to halt land alienation in indigenous peoples' territories;

(b) Financial and technical assistance provided to indigenous peoples to map the boundaries of their communal lands;

(c) Legal and policy frameworks that have been implemented for the registration of collective titles;

(d) National legislation adopted with the free, prior and informed consent of indigenous peoples when such legislation involves their territories, lands and natural resources.

17. The Permanent Forum has been requested to give special consideration to indigenous peoples' experience with autonomy and constructive arrangements in their expression of self-determination, including through the compilation and dissemination of good practices. On that basis, the Forum invites United Nations entities and academic institutions to support its efforts to collect information on forms of autonomy among indigenous peoples.

18. The Permanent Forum urges States, in consultation with indigenous peoples, to establish national institutions responsible for collecting data on the lands, territories and water areas to which indigenous peoples have collective ownership rights by traditional use or occupancy.

19. As an advisory body to the United Nations system with a mandate to promote the implementation of the Declaration, and in accordance with paragraph 29 of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, the Permanent Forum requests all States to include developments relating to the rights of indigenous peoples in their regular reports to the Human Rights Council under the universal periodic review mechanism. The Forum will include those developments in its annual review of the human rights of indigenous peoples.

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# Draft report

*Rapporteur*: Mr. Brian **Keane**

## Chapter I
## Matters calling for action by the Economic and Social Council or brought to its attention

### B. Matters brought to the attention of the Council

**Recommendations of the Permanent Forum**

**Follow-up to the outcome document of the World Conference on Indigenous Peoples (agenda item 11)**

1. The Permanent Forum regrets that the General Assembly did not establish a new category of participation for indigenous peoples. Nevertheless, the Permanent Forum acknowledges the progress made in the implementation of the outcome document of the World Conference on Indigenous Peoples and recognizes the need to further advance the priorities clearly set out by indigenous peoples in the Alta outcome document.

2. The Permanent Forum acknowledges the ongoing consultation process to enhance the participation of indigenous peoples at the United Nations under the leadership of the President of the General Assembly and takes note of Assembly resolution 71/321, which lays out a process for continuing the consideration of the participation of indigenous peoples at the United Nations.

3. The Permanent Forum welcomes the process of the President of the General Assembly of organizing and presiding over informal interactive hearings during the seventy-second, seventy-third and seventy-fourth sessions of the Assembly, on the margins of the sessions of the Permanent Forum, to enhance the participation of representatives and institutions of indigenous peoples in meetings of relevant United Nations bodies on issues affecting them, as requested by the General Assembly in its resolution 71/321.

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4. The Permanent Forum urges the Secretary-General to convene, in consultation with the Permanent Forum and before its eighteenth session, regional consultations in each of the seven indigenous regions to discuss the modalities for the participation of indigenous people at the United Nations, including how the participation of indigenous representatives can be enhanced. The Permanent Forum urges Member States to support the organization of these regional consultations.

5. The Permanent Forum, recognizing that indigenous peoples can contribute greatly a range of issues on the international agenda, encourages the President of the General Assembly to consider inviting representatives of indigenous peoples to other hearings and events.

6. The Permanent Forum appreciates the efforts made by El Salvador, Guatemala and Paraguay to develop national action plans in consultation with indigenous peoples and encourages them to share best practices. It further encourages Member States to continue to effectively engage with indigenous peoples at the national, local and community levels to develop and implement national action plans, strategies or other measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples.

7. The Permanent Forum welcomes work done by the United Nations system to implement the United Nations system-wide action plan on the rights of indigenous peoples and encourages United Nations country teams to take the lead in facilitating dialogue between Member States and indigenous peoples towards the development of national action plans and other measures and to report to the Permanent Forum at its eighteenth session on progress made.